

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
SOUTHERN DIVISION**

SPRINGFIELD, CITY OF,)
)
 Plaintiff,)
)
 vs.)
)
 UNITED STATES ENVIRONMENTAL,)
 PROTECTION AGENCY, et al.)
)
 Defendants.)

Case No. 11-3383-CV-S-RED

ORDER

Before the Court is parties' Consent Motion for Vacatur and Voluntary Remand (Doc. 26) wherein Defendants indicate that they would like to reconsider the challenged TMDLs in light of Plaintiff's complaint, Plaintiff's motion for judgment on the pleadings, and additional data regarding water quality in Wilson, Jordan, and Pearson Creeks. Plaintiff consents to this motion. After careful consideration, the Court **GRANTS** this motion. The Court hereby **VACATES** the challenged TMDLs; **REMANDS** this matter to Defendant EPA for reconsideration; and, further, **ORDERS** that the above captioned case is **DISMISSED WITHOUT PREJUDICE**. Accordingly, the Court **DENIES** Plaintiff's motion for judgment on the pleadings (Doc. 22) as **MOOT**.

IT IS SO ORDERED.

DATED: February 20, 2013

/s/ Richard E. Dorr
RICHARD E. DORR, JUDGE
UNITED STATES DISTRICT COURT